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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY -5 AM 11:45
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Marcos LOPEZ-Espinoza,** Defendant	Magistrate Docket No. '08 MJ 1409 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **May 3, 2008,** within the Southern District of California, defendant, **Marcos LOPEZ-Espinoza,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th DAY OF MAY 2008.**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Marcos LOPEZ-Espinoza

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Agents assigned to the San Diego Sector, Smuggling Interdiction Group, Criminal Alien Squad (SIG/CAS) utilize various sources to locate and arrest previously deported criminal aliens who have returned to the United States in violation of the Immigration and Nationality Act.

On May 3, 2008, Border Patrol Agents Blas and Penta responded to a report of illegal aliens being housed at a residence in Chula Vista, California. At approximately 6:00 A.M., Agents Blas and Penta arrived at the location. Supervisory Border Patrol Agent C. Liedecke, in conjunction with the Chula Vista Police Department, had already conducted a "knock and talk" at the residence and were in the process of conducting a consensual search of the premises. Agent Blas observed a subject, later identified as the defendant **Marcos LOPEZ-Espinoza**, attempting to conceal himself beneath a baby's crib in one of the bedrooms. Agent Blas approached the defendant and identified himself as a United States Border Patrol Agent and displayed his Bureau issued badge. Agent Blas questioned the defendant as to his identity and immigration status. The defendant stated that he was illegally present in the United States without any U.S. immigration documents allowing him to enter, be, or remain in the United States legally.

At approximately 6:15 A.M., on May 3, 2008, the defendant was arrested and transported to the Imperial Beach Border Patrol Processing Facility.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **06/13/2000** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on May 4, 2008, at 9:30 A.M.

Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 2, 2008**, in violation of Title 8, United States Code, Section **1326**.

Louisa S. Porter
United States Magistrate Judge

5/4/08 1:45 pm.
Date/Time